



PAUL R. LePAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

October 20, 2014

Magoon Realty, Inc.
Attn: Sandy Rogers, Realtor
60 Moosehill Road
Osborn, ME 04605

Subject: ADVISORY RULING AR 14-11; Kevin L. Jordan Land Division, Lot #41 on Tax Map #2, Town of Osborn, Hancock County, Maine

Dear Ms. Rogers:

Thank you for the information provided in your request for an Advisory Ruling. You have asked our opinion on the division and sale of a portion of a lot owned by Kevin L. Jordan in the Town of Osborn. We will attempt to provide our view on the matters as we understand them, pursuant to 5 M.R.S.A. 9001. I want to caution however, this is an informal response and not a legal determination. You may want to consult your attorney on this matter. Of course, in providing our views on these matters, we have relied entirely upon the facts as you have presented them to us.

Background Information

According to the information you have provided, Kevin L. Jordan is the current owner of Lot #41 on Taxation Map Number 2 of the Town of Osborn. The subject parcel is approximately 7 acres in size and has approximately 900 feet of road frontage on Moose Hill Road (Route 179). The parcel is depicted as Lot #41 on the Town of Osborn's Tax Map 2 and as shown on a plan entitled "Mortgage Loan Inspection, Property Owner: Kevin L. Jordan, Location: 50 Moose Hill Road, Osborn, ME", prepared by Patrick J. Downey, Professional Land Surveyor, dated August 24, 2014. The parcel is designated as (D-RS) Residential Development Subdistrict of the Commission's Land Use Districts and Standards.

The subject property was originally part of the lot of land described in Administrator's Deed from Albert E. Mace to Anton R. Jordan, dated May 8, 1902 and recorded in the Hancock County Registry of Deeds in Book 387, Page 104 containing seven (7) acres, more or less, together with all buildings thereon. Anton R. Jordan, Jr. acquired title of the subject property under the will of Anton R. Jordan, Sr., deceased. The subject property was then conveyed on September 21, 1964 by Anton R. Jordan, Jr. to Emery L. Jordan as recorded in the Hancock County Registry of Deeds in Book 968, Page 247 containing seven (7) acres, more or less, together with all buildings thereon. On May 26, 1979, Emery L. Jordan conveyed the subject property to Mary L. Jordan as recorded in the Hancock County Registry of Deeds in Book 1622, Page 298 containing seven (7) acres, more or less, together with all buildings thereon. On June 24, 2010, subject property was conveyed from the Estate of Mary L. Jordan to Kevin L. Jordan and Anton Jordan, III as recorded in the Hancock County Registry of Deeds in Book 5445, Page 286 containing seven (7) acres, more or less, together with all buildings thereon. On June 28, 2010, Anton Jordan, III conveyed his half interest in the subject property to Kevin L. Jordan as recorded in the Hancock County Registry of Deeds in Book 387, Page 104 containing seven (7) acres, more or less, together with all buildings thereon.

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Proposal/Inquiry

Kevin L. Jordan proposes to divide the subject 7-acre parcel, Lot #41 on Tax Map 02, into two (2) lots. The first parcel would be a 5-acre lot containing the original homestead and approximately 525 feet of road frontage on Moose Hill Road. The second parcel would be an undeveloped 2-acre lot containing approximately 375 feet of the remaining road frontage and proposed for residential use. You have asked that the Commission confirm that the proposed land division would be legal in respect to the Commission's subdivision standards and dimensional requirements.

Relevant Standards

Section 10.02, (197), of the Commission's Land Use Districts and Standards states that "except as provided in 12 M.R.S.A § 682-B, "subdivision" means a division of an existing parcel into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing."

Pursuant to Sub-Chapter III, Section 10.26 of the Commission's Land Use Districts and Standards, the dimensional requirements for lots with residential uses include: a minimum lot size of 40,000 square feet per dwelling and a minimum of 100 foot road frontage per dwelling on roads.

Interpretation

Based upon the information you have provided, it appears that a subdivision permit from the Commission would not be required for the proposed division of the Kevin L. Jordan 7-acre parcel into two (2) lots as shown on the submitted plans and as described in your request. In addition, it appears that the proposed lots would meet the Commission's minimum lot size and road frontage requirements for their proposed uses. Any further division of the parcel(s) within a period of five (5) years from the date of the division would require subdivision review by the Commission.

Please be aware that any land division activities other than those which you have described within your request may, or may have, require(d) prior Commission review and/or rezoning, or may be prohibited under provisions of the Commission's Land Use Districts and Standards. Please contact the Commission if you plan any changes.

Should you have any further questions, please contact me at (207) 731-4398 or Karen Bolstridge at the Bangor Office at (207) 941-4052.

Sincerely,



Debra A. Kaczowski
Permitting and Compliance Division

DK/

Cc: Kevin L. Jordan, 13 Gardens Road, Belmont, Maine 04952

xc: AR 14-11 File